

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ELENA KOLOVA, *et al.*,

CASE NO. C18-1066-JCC

10 Plaintiffs,

MINUTE ORDER

11 v.

12 ALLSTATE INSURANCE COMPANY, *et al.*,

13 Defendants.  
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15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Plaintiffs' motion to remand (Dkt. No. 9) and  
18 Defendants' motion to dismiss dispensable parties (Dkt. No. 11). In its notice of removal,  
19 Defendant Allstate indicated that Plaintiffs are citizens of California and that Allstate is a citizen  
20 of Delaware and Illinois. (Dkt. No. 1 at 5.) Allstate further indicated that, while the remaining  
21 Defendants may not be diverse from Plaintiffs, complete diversity exists because those  
22 Defendants are dispensable parties subject to exclusion by the Court pursuant to Federal Rule of  
23 Civil Procedure 21. (*Id.*)

24 Having removed the case, Defendants now move to dismiss Defendants Bryon Dill, his  
25 spouse, and John and Jane Does 1–10, alleging that Plaintiffs named them solely to defeat this  
26 Court's jurisdiction and that these parties are dispensable parties. (*See* Dkt. No. 11 at 1–2.)

1 Plaintiffs move to remand, citing this Court's lack of jurisdiction. (*See* Dkt. No. 9 at 1–2.) They  
2 allege that Mr. Dill has personal liability and, therefore, is not a dispensable party. (*Id.* at 10–12.)

3 The parties are ORDERED to file supplemental briefing regarding whether the Court  
4 should apply the doctrine of fraudulent joinder to determine if Defendants Dill and Doe should  
5 be dismissed. (*See generally McCabe v. General Foods Corp.*, 811 F.2d 1336, 1339 (9th Cir.  
6 1987)). Defendants are further ORDERED to show cause why this case should not be remanded  
7 based on the doctrine of fraudulent joinder. Briefs shall be limited to ten (10) double-spaced  
8 pages, filed no later than October 2, 2018. The Clerk is directed to RENOTE the parties'  
9 stipulated motion to vacate (Dkt. No. 7), Plaintiffs' motion to remand (Dkt. No. 9), and  
10 Defendants' motion to dismiss dispensable parties (Dkt. No. 11) for October 2, 2018.

11 DATED this 10th day of September 2018.

12 William M. McCool  
13 Clerk of Court

14 s/Tomas Hernandez  
15 Deputy Clerk  
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